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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,983

03/04/2009

Tomas Pablo Santibanez- Viani

MA-101

3904

33873 7590 06/16/2011  
ERIC HANSCOM  
2141 Palomar Airport Road, Suite 320  
CARLSBAD, CA 92011

EXAMINER

MALEVIC, DJURA

ART UNIT

PAPER NUMBER

2884

NOTIFICATION DATE

DELIVERY MODE

06/16/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

eric@iciplaw.com  
todd@iciplaw.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/596,983	<b>Applicant(s)</b> SANTIBANEZ- VIANI ET AL.	
	<b>Examiner</b> DJURA MALEVIC	<b>Art Unit</b> 2884	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 - 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Response to Amendment**

The amendment filed 04/07/2011 was entered.

### **Response to Arguments**

Applicant's arguments, see REMARKS, filed 04/07/2011, with respect to the rejection(s) of claim(s) 1 and 3 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of National Semiconductor Application Note 31 September 2002.

### **Drawings**

The drawings are objected to because the elements are not numbered. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

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pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1– 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wuest (US Patent No. 6,426,503 B1) in view of Benjamin et al. (US Patent No. 4,975,584 A), May et al. (US Patent 5,382,799 A) and Op Amp Circuit Collection (National Semiconductor Application Note 31 September 2002), here-in-below LM101A specs.

With regards to claim 1, Wuest discloses a system to measure the ultraviolet solar radiation, characterized in that it further comprises a device to display the UV intensity wherein the main means to detect comprises solid state electronics elements with a detector head having a semiconductor detector with a UV filter, an amplifier, and an enclosure wherein said amplifier has standard transimpedance configuration with a low noise operational amplifier with a low sensitivity to temperature (Col. 4, Lines 1 – 35) (Figures 1 and 2).

Wuest fails to expressly disclose said display means comprises five different colored lights, a Teflon diffuser, said enclosure is metallic, said detector head is external and is connected by means of a cable to the rest of the system and the configuration with operational amplifier comprises low sensitivity to temperature and low noise.

Benjamin et al. teaches that the preferred way to display the UV intensity would include color coding (not shown) with the colors corresponding to ultraviolet radiation levels. Low ultraviolet radiation levels would possibly correspond to a green area on the meter, medium ultraviolet radiation levels to a yellow area on the meter, and high ultraviolet radiation levels to a red area on the meter 18. The range of ultraviolet radiation level displayed is 290 to 400 nanometers, even though the known damaging range of ultraviolet radiation is 290 to 320 nanometers. Benjamin further teaches that a detector head is external and is connected by means of a cable to the rest of the UV detection system is known and useful (Figure 9). In view of the utility, the preferred configuration which provides simple, readily interpretable, information on the potential overexposure to damaging ultraviolet rays. As such, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Wuest to include the teachings such as that taught by Benjamin.

May shows that Teflon diffusers are well known and conventionally used in UV detection systems to improve detection efficiency (See Figure 2, element 26). In view of the utility, to improve detection efficiency, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Wuest to include the teachings such as that taught by May.

With regards to the enclosure comprised of a metallic, the examiner takes official notice that metallic enclosures or housings are well known and conventionally used in the radiation art in order to protect the sensory from unwanted noises or signals. As such, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Wuest to include the teachings such as is well known, i.e., a metallic housing, in order to protect the detection from unwanted noises.

LM101A specs shows an op amp with low noise and low sensitivity to temperature, i.e., integrator with bias current compensations, at page 4 and Nonlinear Op Amp with Temp Compensated breakpoints, at page 26. In view of the utilities, to improve detection efficiency (i.e., low noise and temperature compensations), it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Wuest to include the teachings such as that taught by LM101 Specs.

With regards to claim 2, Wuest modified discloses means to detect a signal that contains ultraviolet radiation, means for the processing of this signal, and means for the display of this processed signal to be visible from a distance in a place of public or private access (See Figure 1).

With regards to claim 3, Wuest discloses the response is that of the erythema action curve (Abstract).

With regards to claim 4, Wuest discloses that the means to detect and process the information or data are solid state electronic elements (Col. 4, Lines 1 – 4).

With regards to claim 5, Wuest modified discloses the claimed invention according to claim 1, absent some degree of criticality the recitations of a received

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signal which converts it to a display signal adequate to show the UV information in a public or private place by means of public ads, poster advertising, road boards, billboards, such that is clearly visible from a distance is considered only a routine matter of design choice involving ordinary skill in the art. Notice that it is well known to display useful information (i.e., time, temperature, news flashes, sports scores and UV indexes) to people in billboards or some sort road board and the like in order to inform people of there surroundings or news breaks. As such, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Wuest to include the teachings such as is well known and expressed above in order to inform people of there surroundings.

With regards to claim 6, Wuest modified discloses a display system 16 is luminous (i.e., a LCD screen), it can be located in any place of public or private access and it also can contain publicity or advertising.

With regards to claim 7, Wuest discloses the detector head has analog electronics 13 and a circuit 14 for analog to digital conversion.

With regards to claims 8 -11, the rejection to claim 1 applies to these claims.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DJURA MALEVIC whose telephone number is (571)272-5975. The examiner can normally be reached on Monday - Friday between 9:30am and 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on 571.272.2444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David P. Porta/  
Supervisory Patent Examiner, Art  
Unit 2884

**/Djura Malevic/  
Examiner, Art Unit 2884  
(571)272-5975**